

REMARKS

Claims 1-27 remain pending in this application. Each of the pending claims is believed to define an invention that is novel and unobvious over the cited references. Favorable reconsideration of this case is respectfully requested.

Claims 1-27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2005-0149795 to Vishwanath in view of U.S. Patent Application Publication 2001/0051996 to Cooper. The cited references fail to render the claimed invention obvious as they fail to teach or suggest, among other things, generating a message associated with at least part of a distinguishing number for the token used by a client computer during a transaction as is recited in the amended claims.

Each of the independent claims now recites that a distinguishing number for the token is associated with the downloaded data. For example, as is described at page 11, line 28 – page 12, line 23 of the present application, the token used by the client during the transaction maybe marked with a distinguishing number. The token is distinct from the computer that the token may be connected to. A message associated with the downloaded data is created. The message includes the distinguishing number of the token used during the session in which the data was requested or downloaded. When the downloaded data is accessed by the client, a media player reads the distinguishing number of the token and verifies that the distinguishing token matches the distinguishing number that is part of the digital message. If the distinguishing numbers match, access to the data is allowed, if not, access is denied. Please see the present specification page 13, lines 7-29. Such an arrangement has an advantage over the prior art that the user can have one token and then may use multiple devices to play the content by simply connecting the token to the desired device.

Vishwanath makes no mention of generating a message associated with at least part of a distinguishing number for the token. The Office Action refers to Cooper in connection with claim 21 as disclosing the distinguishing number. However, Cooper does not describe a distinguishing number that is associated with the token used by the client during a transaction or the generating of a message associate with at least a part of a distinguishing number. The token is not the same thing

as the client computer the token may be coupled to. Instead, as is described in paragraph 60 of Cooper, a number or string of character that uniquely identify that content ordered by the consumer can be used to identify the ordered content. There is no teaching or suggestion in Cooper of a unique identifier for the token that is used during the transaction. Cooper simply makes no mention of a distinguishing number for a token.

Paragraph 75 of Cooper refers to a digital certificate. The digital certificate of Cooper correspond to the claimed certificate, if anything, and not to the distinguishing number. In paragraph 102 of Cooper et al. describes a private key that corresponds to, if anything, the private key recited in the claims. It does not correspond to the distinguishing number nor function as one.

In view of the above, it is clear that the cited references do not fairly teach or suggest the claimed invention. Therefore, the withdrawal of this rejection is respectfully requested. Early issuance of a Notice of Allowance is respectfully solicited.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arranged for such an interview.

The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

Application No. 09/920,919
Amendment dated
Reply to Office Action of January 31, 2006

Docket No.: 35997-217039

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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